IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

OP.No. 24101 of 2002(T)

PETITIONER:

THE SENIOR DIVISIONAL PERSONNEL OFFICER,
SOUTHERN RAILWAY,
THYCAUD, TRIVANDRUM.

BY ADV. SRI.V.SANTHARAM, SC. RAILWAYS

RESPONDENTS:
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1. THE REGIONAL LABOUR COMMISSIONER (CENTRAL), (APPELLATE AUTHORITY UNDER PAYMENT OF GRATUITY ACT 1972), KALATHIL PARAMBIL ROAD, ERNAKULAM, KOCHI - 682 016.

2. THE ASSISTANT LABOUT COMMISSIONER (CENTRAL), (CONTROLLING AUTHORITY UNDER PAYMENT OF GRATUITY ACT 1972), KALATHIL PARAMBIL ROAD, ERNAKULAM, KOCHI - 682 016.

3. M.K.GOVINDAN, MANNAKKATTIL HOUSE, VELLANCHIRA P.O, KALLETTUMKARA, TRISSUR.

BY ADV. SRI.VARGHESE PREM

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.41019/2002 IN O.P.NO.24101/2002

CLOSED.

SD/-
7-9-07. S.SIRI JAGAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE CLAIM OF GRATUITY DATED 6.4.99 SUBMITTED BEFORE THE SECOND RESPONDENT BY THE 3RD RESPONDENT.

EXT. P2: COPY OF WRITTEN OBJECTION DATED 4.8.99 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.

EXT. P3: COPY OF THE DECISION DATED 25.10.99 ALONGWITH ORDER OF THE PAYMENT UNDER FORM R ISSUED BY THE 2ND RESPONDENT.

EXT. P4: COPY OF THE STATUTORY APPEAL DATED 5.1.2000 PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT. P5: COPY OF DECISION/ORDER DATED 5.12.2001 PASSED BY THE 1ST RESPONDENT.

EXT. P6: COPY OF GUIDELINES ISSUED BY RAILWAY.

EXT. P7: COPY OF JUDGMENT DATED 4.10.2001 BY THIS HON'BLE COURT IN R.P.400/2001 IN O.P.5911/98.

/TRUE COPY/

P.A. TO JUDGE

JP

S. SIRI JAGAN, J.

OP NO. 24101 OF 2002 - T

Dated this the 7th day of September, 2007

J U D G M E N T

The petitioner is the Senior Divisional Personnel Officer of Southern Railway. He is challenging orders of the Controlling Authority and the Appellate Authority under the Payment of Gratuity Act whereby the claim for additional gratuity to the tune of Rs.1205/- by the third respondent employee was upheld by the authorities. The petitioner's contention is that in view of the Division Bench decision of this Court in O.P.No.15460 of 2000, the impugned orders are to be set aside. The question relates to whether the third respondent who has been given gratuity as provided as per the Service Rules applicable to him is entitled to claim gratuity under the Payment of Gratuity Act. In view of the fact that the amount involved in this original petition is only Rs.1205/-, I am not inclined to go into this question in this original petition. Accordingly, the

original petition is closed with liberty to the petitioner to agitate the question of law involved in a more appropriate case.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

O.P. NO. 24101 OF 2002

J U D G M E N T

DATED: 07-09-2007